

MORRISON & FOERSTER LLP

SAN FRANCISCO
LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
DENVER

ATTORNEYS AT LAW

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

ORIGINAL

NEW YORK
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

October 28, 1998
EX PARTE ON LATE FILED

Writer's Direct Contact
(202) 887-1510
cttritt@mofo.com

Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W - Room 222
Washington, D.C. 20554

Re: **EX PARTE**
ET Docket No. 95-18; RM 9328

RECEIVED

OCT 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

Today, October 28, 1998, Francis Coleman and the undersigned, on behalf of ICO Global Communications, and Loretta Dunn of Hughes and Norman Leventhal, on behalf of the ICO USA Service Group, met with Paul Misener, senior legal advisor to Commissioner Harold Furchtgott-Roth and Keith Larson, deputy chief, Mass Media Bureau; and Messrs. Coleman and Leventhal and the undersigned met with Peter Tenhula, legal advisor to Commissioner Michael Powell, to discuss the status of the above-captioned proceedings, as well as a proposed spectrum access policy for global 2 GHz mobile satellite systems set forth in the attached document.

Four copies of this letter, two for each of the above-cited proceedings, have been submitted to the Secretary of the Commission for inclusion in the public record, as required by Section 1.1206(b)(2) of the Commission's rules.

Sincerely,



Cheryl A. Tritt
Counsel for ICO Global Communications

Attachment

cc: Paul Misener (w/o attachment)
Peter Tenhula (w/o attachment)
Keith Larson (w/o attachment)

**PROPOSED ELEMENTS OF FCC SPECTRUM ACCESS POLICY
FOR GLOBAL MSS SYSTEMS AT 2 GHz**

1. Establish global model/precedent for market opening for MSS systems.
2. Global MSS should not pay for spectrum access, whether by auctions, fees or direct relocation costs to any party but will provide accommodation such as technical assistance, product development support and operational constraints where required to allow a rapid and inexpensive transition of incumbent users.
3. Allow for negotiated transition and accommodation arrangements (as described in paragraph 2 above) between MSS entrants and terrestrial incumbents.
 - FCC to allow in-band retuning (FS) prior to Sunset date.
4. Given the near term entry of 2 GHz MSS (August 2000), establish the following basic transition rules and policies to apply in the absence of negotiated arrangements.
 - a. 'Sunset' date (1/1/2005) - for all incumbent terrestrial systems, after which MSS systems in 2 GHz bands may commence unconstrained operations.
 - b. Terrestrial Licensing in Uplink (1990-2025 MHz)/Downlink (2165-2200 MHz):
 - Freeze on applications for new licenses and modifications as of issuance of the FNPRM.
 - No new licenses granted upon issuance of the R&O.
 - All renewals granted after issuance of 2 GHz FNPRM conditioned on secondary status as of January 1, 2000.
 - c. Harmful interference:
 - Adopt ITU interference standards and interference assessment methods for protection of primary Fixed Service systems.
 - MSS to avoid harmful interference to authorized primary terrestrial systems prior to 'Sunset' date.
 - In view of the expected improvement in spectrum efficiency in the digital ENG environment, discontinue BAS Channel 1 (Global MSS spectrum) prior to first MSS operational use.
 - BAS continues use of Channel 2 until such time as additional authorized entry of MSS requires additional spectrum take-up but, in any event, no later than 1/1/2005. It is not expected that accommodation will be necessary for BAS Channel 2.
 - d. BAS ENG conversion to digital as soon as possible but, in no event, later than in accordance with FCC fixed DTV conversion schedule (e.g. complete conversion of all commercial television stations by May 1, 2002.)
 - e. Shared (entrant and incumbent) operational constraints during transition period.

MORRISON & FOERSTER LLP

SAN FRANCISCO
LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
DENVER

ATTORNEYS AT LAW

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

NEW YORK
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

October 28, 1998
EX PARTE OR LATE FILED

Writer's Direct Contact
(202) 887-1510
ctrutt@mofo.com

Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W - Room 222
Washington, D.C. 20554

Re: **EX PARTE**
ET Docket No. 95-18; RM 9328 /

RECEIVED
OCT 28 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

Today, October 28, 1998, Francis Coleman and the undersigned, on behalf of ICO Global Communications, and Loretta Dunn of Hughes and Norman Leventhal, on behalf of the ICO USA Service Group, met with Paul Misener, senior legal advisor to Commissioner Harold Furchtgott-Roth and Keith Larson, deputy chief, Mass Media Bureau; and Messrs. Coleman and Leventhal and the undersigned met with Peter Tenhula, legal advisor to Commissioner Michael Powell, to discuss the status of the above-captioned proceedings, as well as a proposed spectrum access policy for global 2 GHz mobile satellite systems set forth in the attached document.

Four copies of this letter, two for each of the above-cited proceedings, have been submitted to the Secretary of the Commission for inclusion in the public record, as required by Section 1.1206(b)(2) of the Commission's rules.

Sincerely,



Cheryl A. Tritt
Counsel for ICO Global Communications

Attachment

cc: Paul Misener (w/o attachment)
Peter Tenhula (w/o attachment)
Keith Larson (w/o attachment)

**PROPOSED ELEMENTS OF FCC SPECTRUM ACCESS POLICY
FOR GLOBAL MSS SYSTEMS AT 2 GHz**

1. Establish global model/precedent for market opening for MSS systems.
2. Global MSS should not pay for spectrum access, whether by auctions, fees or direct relocation costs to any party but will provide accommodation such as technical assistance, product development support and operational constraints where required to allow a rapid and inexpensive transition of incumbent users.
3. Allow for negotiated transition and accommodation arrangements (as described in paragraph 2 above) between MSS entrants and terrestrial incumbents.
 - FCC to allow in-band retuning (FS) prior to Sunset date.
4. Given the near term entry of 2 GHz MSS (August 2000), establish the following basic transition rules and policies to apply in the absence of negotiated arrangements.
 - a. 'Sunset' date (1/1/2005) - for all incumbent terrestrial systems, after which MSS systems in 2 GHz bands may commence unconstrained operations.
 - b. Terrestrial Licensing in Uplink (1990-2025 MHz)/Downlink (2165-2200 MHz):
 - Freeze on applications for new licenses and modifications as of issuance of the FNPRM.
 - No new licenses granted upon issuance of the R&O.
 - All renewals granted after issuance of 2 GHz FNPRM conditioned on secondary status as of January 1, 2000.
 - c. Harmful interference:
 - Adopt ITU interference standards and interference assessment methods for protection of primary Fixed Service systems.
 - MSS to avoid harmful interference to authorized primary terrestrial systems prior to 'Sunset' date.
 - In view of the expected improvement in spectrum efficiency in the digital ENG environment, discontinue BAS Channel 1 (Global MSS spectrum) prior to first MSS operational use.
 - BAS continues use of Channel 2 until such time as additional authorized entry of MSS requires additional spectrum take-up but, in any event, no later than 1/1/2005. It is not expected that accommodation will be necessary for BAS Channel 2.
 - d. BAS ENG conversion to digital as soon as possible but, in no event, later than in accordance with FCC fixed DTV conversion schedule (e.g. complete conversion of all commercial television stations by May 1, 2002.)
 - e. Shared (entrant and incumbent) operational constraints during transition period.